

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is executed by and/or on behalf of the following parties:

GARY THOMAS NIXON

-and-

BANK OF AMERICAN FORK

WHEREAS, Gary Thomas Nixon ("Nixon") and Bank of American Fork ("Bank of AF") are parties to a lawsuit, Adversary Proceeding No. 10-03000, associated with Bankruptcy Case No. 10-31749 in the United States Bankruptcy Court for the District of Utah, and

WHEREAS, the parties have mutually agreed to forever settle and compromise their disputes and controversies involved in said lawsuit on the terms described below,

NOW, THEREFORE, the parties do hereby agree as follows:

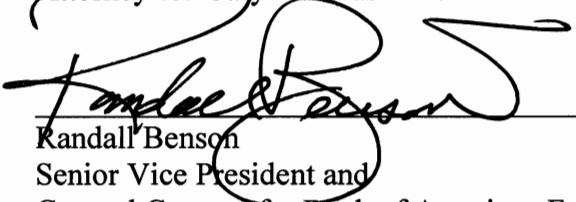
1. Bank of AF's lien which is the subject of Adversary Proceeding No. 10-03000 shall be stripped from Debtor's real property at 5244 West Castle Pines Circle, Highland, Utah 84003, on terms and conditions set forth hereafter.
2. The removal of Bank of AF's lien is contingent upon Nixon's completion of a Chapter 13 Plan in related Bankruptcy Case No. 10-31749; and Bank of AF shall retain its lien for the full amount due under the note secured thereby in the event of dismissal or conversion of Nixon's Chapter 13 case prior to receipt of a Chapter 13 discharge.
3. Upon receipt of Nixon's Chapter 13 discharge and completion of a Chapter 13 Plan, Bank of AF shall, upon receipt of notice of discharge, promptly record a reconveyance of its deed of trust against the subject property.
4. Any timely filed allowed claim filed by Bank of AF with respect to the subject loan, shall be treated as a general unsecured claim under Nixon's Chapter 13 Plan in related Bankruptcy Case No. 10-31749.
5. The parties hereto will execute and deliver all appropriate and necessary documents to effectuate the provisions of this settlement.

6. Nixon will move the Court for dismissal of Adversary Proceeding No. 10-03000 based on the provisions of this settlement agreement which shall be incorporated into the Order of Dismissal.

EXECUTED and AGREED to effective the 29th day of March, 2011.

/s/

Jody L. Howe  
Attorney for Gary Thomas Nixon



Randall Benson  
Senior Vice President and  
General Counsel for Bank of American Fork